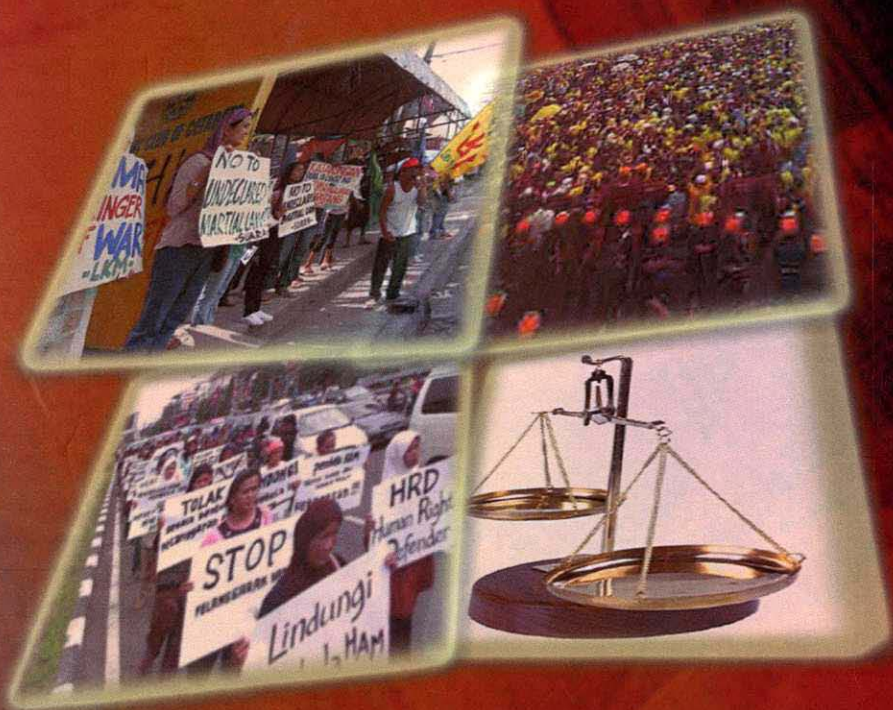


# CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues



KHAIRIL AZMIN MOKHTAR

IUM PRESS  
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA



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# **CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA SELECTED ISSUES**

**EDITOR  
KHAIRILAZMIN MOKHTAR**

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**HUM Press**

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### **The Rights of the Orang Asli under the Federal Constitution of Malaysia**

**Hamimah Hamzah  
Hunud Abia Kadouf**

#### **Introduction**

Malaysia is a federation of thirteen states.<sup>1</sup> It has a total land mass of 329,847 square kilometers separated by the South China Sea into two regions, namely, Peninsular Malaysia and Malaysian Borneo.<sup>2</sup> Malaysia has a diversity of races in a population of about 28.5 million in 2010 of which 22.5 million are in the Peninsular, 2.5 million in Sarawak and 3.2 million in Sabah.<sup>3</sup> In the Peninsular, the population is made up of three main ethnic groups, viz; Malays, Chinese and Indians. On the other hand, the Orang Asli form only 0.6 per cent of the country's population, which renders them as an ethnic minority. According to the 2006 census, the entire population of Orang Asli was a mere 141,230.<sup>4</sup>

Ramy pointed out that in context of Malaysia, one of the important indicators of ethnic identity lies in the division between those considered indigenous and non-indigenous.<sup>5</sup> This division commonly denoted by the terms *bumiputera* and non-*bumiputera*.<sup>6</sup> However, Sharon and Leo argue that this term does not have a legal basis but could be considered more political than anything else.<sup>7</sup> The legal term related to this terms are qualified in the Federal Constitution, which defines the three distinct categories of indigenous as 'Malay', 'Orang Asli' (Aborigine), and Native.